

REMARKS

Claims 4, 10, 12 through 14, 21 and 22 are being amended. Thus, claims 2 through 23 are pending in this application.

By this Amendment, the claims have been revised to correct minor informalities noted during their review. The scope of the claims has not been changed by these revisions.

Claims 2-23 have been rejected under 35 U.S.C. § 103 as obvious over the Boccon-Gibod et al. published application in view of the North Communications article for the reasons stated in section 4 on pages 2-6 of the Office Action. It is submitted that claims 2-23 are patentable over the cited published application and the North Communications article, taken either alone or in combination, for the following reasons:

Independent claim 2 recites eight (8) specific method steps, namely:

- 1) receiving a command from a user to download at least one file from a selected web site;
- 2) receiving a command from the user to either save the at least one file as is or open the at least one file;
- 3) retrieving an address of the selected web site in response to the command from the user to open the at least one file;

4) forwarding a query to at least one server to determine if the retrieved address is within an approved web site database;

5) notifying the user that the selected web site is not within the approved web site database upon a determination that the selected web site is not within the approved web site database and downloading the at least one file in an unencrypted format in response to a command from the user to download the at least one file in an unencrypted format to a selected folder of the user;

6) forwarding user information and information with regard to the at least one file to the at least one server upon a determination that the selected web site is within the approved web site database, and receiving encryption information from the at least one server in response thereto;

7) downloading the at least one file in an unencrypted format from the selected web site and converting the at least one file to an encrypted format in accordance with the encryption information from the at least one server; and

8) storing the at least one file in the encrypted format.

Steps 1) and 2) relate to commands from the user to download at least one file and either save the downloaded file as is or open the downloaded file.

Steps 3)-8) relate to retrieving the address of the selected web site and querying the server to determine if the retrieved address is within an approved web site database.

Then, upon notifying the user that the selected web site is not within the approved web site database, downloading the file in an unencrypted format to a selected folder of the user upon a user's command.

Alternatively, user information and information with regard to the at least one file is forwarded to the server and receiving encryption information from the server if the selected web site is within the approved web site database, and the selected file is downloaded in an unencrypted format and converted into an encrypted format and then stored in the encrypted format.

Accordingly, the selected file is downloaded in an unencrypted format and stored in a selected folder of the user as is in an unencrypted format if the selected web site is not within the approved web site database or alternatively, the selected file is downloaded in an unencrypted format and then encrypted prior to being stored in an encrypted format.

Similarly, claim 12 is an apparatus claim reciting various apparatus elements performing functions substantially corresponding to those resided in claim 2.

The Examiner admits that the published application does not disclose steps 4)-8). The Examiner then alleges that the North Communications article discloses steps 4) and 5) but admits that the North Communications article does not disclose the recited encryption step.

The Examiner then incorrectly alleges that the proposed combination of references made all of the recited limitations of claim 2. Applicants disagree with the Examiner with regard to claim 2 for the following reasons:

Claim 2 recites a combination of eight specific steps that are performed in a specific order to produce the desired results. The Examiner appears to allege that claim 2 is unpatentable merely because the two references may have the capability of performing the recited steps even if the recited steps are not performed in the recited order or with the same effect or the same results.

It is settled patent law that merely because one or more references could be modified or combined to produce the recited limitations of a rejected claim does not imply that it would be obvious to do so.

Thus, even assuming *arguendo* that the two references could be combined and disclose the recited steps of claim 2, it is submitted that there is no teaching or suggestion or incentive in either reference supporting the Examiner's allegations that the two references could be combined to perform the recited functions of claim 2 in their recited order with the same result.

Furthermore, it is submitted that the two cited references cannot be combined since,

as admitted by the Examiner, the North Communications article does not teach or suggest or even consider the use of encryption.

In view of the above, it is submitted that independent method claim 2 as well as independent apparatus claim 12 are patentable over the proposed combination of references.

The Examiner then alleges that one or the other of the two cited references disclose the recited features of the remaining dependent claims. Applicants disagree in that the Examiner appears to allege that these claims are unpatentable if either of the references are capable of performing the recited functions.

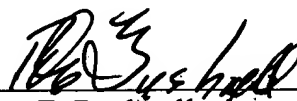
As noted above, independent Claims 2 and 12 respectively recite a combination of method steps in a specific order with a specific result and a combination of elements performing a combination of recited functions in a specific order with a specific result.

Since, as noted above, the proposed combination of references do not teach or suggest the specifically recited features of claims 2 and 12, it is submitted that the remaining dependent claims, which recite the specifically recited features in more specific detail, are also patentable over the proposed combination of references.

In view of the above, it is submitted that claims 2-23 are patentable over the proposed combination of references and should therefore now be in a condition suitable for allowance.

No fee is incurred by this Amendment After Final.

Respectfully submitted,



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